

REMARKS

Claims 1-51 are pending in the application. Claim 47 has been amended. Reconsideration of this application is respectfully requested.

The Office Action objects to claims 47-50 because claim 47 is a method claim that claims dependency on claim 26, which is an apparatus claim. The reference to claim 21 in original claim 47 is clearly a typographical error. Claim 47 has been amended to depend from claim 46, which is a method claim and which affords antecedent basis for "principal" at line 2 of claim 47. Accordingly, it is submitted that the objection to claims 47-50 is obviated by the amendment.

The Office Action rejects claims 1, 2, 4, 5, 10, 11, 13-16, 18-22, 26, 27, 29, 32, 34, 35, 37-40, 42-47 and 51 under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,212,635 to Reardon, hereafter Reardon 635.

This rejection is traversed. The present invention greatly simplifies the security configuration of a system. Independent claims 1, 26 and 51 each recite: "a data-carrying object being inserted into said receptacle for reading-out the security related data for indicating to the information system a desired security configuration". In the sense of "configuration" used in independent claims 1, 26 and 51 is exemplified in the teaching of the present invention at page 4, lines 17-21, which states: "devices (including security consoles) may have a number of different receptacles, and different degrees of access are granted by inserting or swiping the corresponding physical key in different receptacles on the same device". That is, in the present invention, the placement or other physical usage of the physical key is used to control the security setup of the system, which users (for instance) are allowed to access which devices.

This is in contrast to Reardon 635, which teaches the use of a token for user identification. Upon authentication of the user's token, the security system in the

system allows the user permitted access. The fact that the physical keys in Reardon 635 are used to authenticate the identity of a user (rather than to control the security configuration of the system as taught in the present invention) is evident from the passage at column 7, lines 13-20, (cited by the Examiner) as well as from many other passages, including column 4, lines 59-61, column 11, lines 34-37, column 24, lines 29-32, section (d) of claim 1, and other places.

Reardon 635, in fact, teaches away from the present invention by stating at column 15, lines 24-27, the following: "By selecting TABLE MODIFICATION menu, the user could change passwords, redefine restrictions on directories and files for particular users or user groups, and define other security programs that would be allowed to alter the basic SHELL". The reference here to a "menu" demonstrates that Reardon 635 teaches doing security configuration through traditional user-interface software rather than through the use of physical objects as taught by the present invention and recited in independent claims 1, 26 and 51.

With respect to claim 4, the passage at column 12, lines 25-28, makes no mention of "in order to initiate said security configuration".

With respect to claims 8 and 32, the passage at column 3, lines 63-67, does not support first and second data-carrying objects and first and second receptacles as claimed. The reference at line 66 to the "gateway's own public key" is a software key and not a data-carrying object.

With respect to claims 10, 11, 34 and 35, the passage at column 25, lines 34-37, does not support a pair of data-carrying objects. The passage nowhere mentions a pair. Also, the passage does not teach that "data carrying objects in any given pair are imprinted with a same visible identification information, and no two data-carrying objects not in the same pair are imprinted with the same visible identification information", as recited in claims 11 and 35.

With respect to claims 13 and 37, the passage at column 15, lines 25-28, refers to a user interface for changing passwords and other authentication data and does not refer to groups of three data-carrying objects.

With respect to claims 14 and 38, the passage at column 15, lines 16-21, refers to menu options of a user interface for changing passwords of a token and other authentication data and does not refer to identifications of all individual data-carrying objects in the group.

With respect to claims 14 and 38, the passage at column 15, lines 16-21, refers to menu options of a user interface for changing passwords of a token and other authentication data and does not refer to identifications of all individual data-carrying objects in the group.

With respect to claim 42, the passage at column 19, lines 36-39, refers to menu option of software keys of a user interface for implementing changes to the security system does not refer to denying access to a resource unless every data-carrying object of the group is inserted into the receptacle.

With respect to claims 18 and 43, the passage at column 14, lines 21-42, refers to installation via the user interface of a new security program shell and does not refer to adding a new information appliance to a group of authorized appliances by inserting a data-carrying object representing the principal to a receptacle of the new appliance.

With respect to claims 21 and 46, the passage at column 11, lines 10-14, refers to the creation of tokens based on a master token and not to inserting, to a receptacle associated with an information appliance representing the resource, a data-carrying object representing the principal.

For the reason set forth above, it is submitted that the rejection of claims 1, 2, 4, 5, 10, 11, 13-16, 18-22, 26, 27, 29, 32, 34, 35, 37-40, 42-47 and 51 under 35 U.S.C. 102(e) as anticipated by Reardon 635 is erroneous and should be withdrawn.

The Office Action rejects claims 3, 6, 28, 30 and 31 under 35 U.S.C 103(a) as unpatentable over Reardon 635 in view of U.S Patent No. 5,434,562 to Reardon, hereafter Reardon 562.

This rejection is erroneous. If the Examiner's suggestion is to add Reardon 562 to Reardon 635, the control would be achieved by means of switches and not by way of tokens. In such case, the combination system would not, by the Examiner's admissions, have any of the features recited in these claims, for example, a data-carrying object that remains inserted in the receptacle during the operation of the information system as claimed in claims 3 and 28.

On the other hand, if the Examiner's suggestion is to modify Reardon 635's tokens to perform the teaching of Reardon 562, there is no motivation. Reardon 635's purpose is to provide a token system of a user interface that enables a user to change the security software in a security gateway so as to completely or partially disable a peripheral device. See Abstract. Thus, Reardon 635 already possesses the capability of Reardon 562 and has no need of a modification. Therefore, one of ordinary skill in the art would not be motivated to implement any of Reardon 562 in Reardon 635.

The Office Action suggestion to use Reardon 635 in combination with Reardon 562 is improperly based on the hindsight of Applicants' disclosure. Such hindsight reconstruction of the art cannot be the basis of a rejection under 35 U.S.C. 103. The prior art itself must suggest that modification or provide the reason or motivation for making such modification. In re Laskowski, 871 F.2d 115, 117, 10 USPQ 2d 1397, 1398-1399 (CAFC, 1989). "The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made." Sensonics Inc. v. Aerosonic Corp.

38 USPQ 2d 1551, 1554 (CAFC, 1996), citing Interconnect Planning Corp. v. Feil, 774 F. 2d 1132, 1138, 227 USPQ 543, 547 (CAFC, 1985).

For the reason set forth above, it is submitted that the rejection of claims 3, 6, 28, 30 and 31 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action rejects claims 9, 23-25, 33, 48, 49 and 50 under 35 U.S.C. 103(a) as unpatentable over Reardon (635) in view of U.S Patent No. 6,389,542 to Flyntz, hereafter Flyntz.

This rejection is erroneous. Flyntz, like Reardon 635, uses a smart card for user authentication and not for security configuration of the system. Thus, the combination of Reardon 635 and Flyntz lacks the elements of parent claims 1 and 26 of these dependent claims.

For the reason set forth above, it is submitted that the rejection of claims 9, 23-25, 33, 48, 49 and 50 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action rejects claims 12, 17, 36 and 41 under 35 U.S.C 103(a) as unpatentable over Reardon (635) in view of U.S Patent No. 6,193,163 to Fehrman et al., hereafter Fehrman.

The Examiner's contention that Reardon 635 teaches that the data-carrying objects are provided as a pair is erroneous. The passage at column 3, lines 63-67, merely refers to a single token and a public software key within the security gateway and not to a pair of data-carrying objects recited in these claims. For this reason, the conclusion of obviousness is erroneous.

Fehrman relates to a smart card having a removable integrated circuit. The integrated circuit is removable from an assembly only with a special tool without

damage to the assembly or to the integrated circuit or both. There is no suggestion in either Reardon 635 or Fehrman to make the combination proposed by the Examiner.

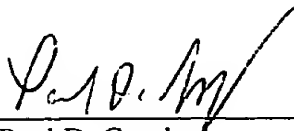
There is no motivation to combine Reardon 635 and Fehrman as suggested by the Examiner. This suggestion is improperly based on the hindsight of Applicants' disclosure. Such hindsight reconstruction of the art cannot be the basis of a rejection under 35 U.S.C. 103. The prior art itself must suggest that modification or provide the reason or motivation for making such modification. In re Laskowski, 871 F.2d 115, 117, 10 USPQ 2d 1397, 1398-1399 (CAFC, 1989). "The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made." Sensonics Inc. v. Aerosonic Corp. 38 USPQ 2d 1551, 1554 (CAFC, 1996), citing Interconnect Planning Corp. v. Feil, 774 F. 2d 1132, 1138, 227 USPQ 543, 547 (CAFC, 1985).

For the reason set forth above, it is submitted that the rejection of claims 12, 17, 36 and 41 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

It is respectfully requested for the reasons set forth above that the objection to the claims be withdrawn, that the rejections under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) be withdrawn, that claims 1-51 be allowed and that this application be passed to issue.

Respectfully Submitted,

Date: 7-7-04



Paul D. Greeley
Reg. No. 31,019
Attorney for Applicants
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
(203) 327-4500